

REMARKS/ARGUMENTS

Claims 1-155 were pending in the present application before the amendment as set forth above. By the amendment, claims 2, 30, 31, 39, 42, 84, 86, 87, 89, 109, 124-126 and 144-155 are amended, and claim 1 is canceled.

In the December 10, 2009 Office Action (hereinafter "Office Action"), claims 42-143 were rejected under 35 U.S.C. §112, second paragraph as being indefinite. In addition, claims 1, 30 and 31 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0107946 to Cosby et al. (hereinafter "Cosby"). Further, claims 1, 30 and 31 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,660,517 to Wilding et al. (hereinafter "Wilding").

However, the Examiner indicated that claims 144-155 are allowed. The Examiner also indicated that claims 2-29 and 39-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, it was indicated that claims 42-143 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Applicant very much appreciates the Examiner's careful review of the instant application and indication of allowable subject matter in claims 2-29 and 39-155.

In response, claim 2 has been rewritten according to the Examiner's suggestions in independent form, including all of the limitations of the base claim, now canceled claim 1. Accordingly, amended claim 2 is now allowable, as indicated by the Examiner. Claims 30, 31 and 39 have been amended to be dependent from now allowable amended claim 2, therefore are also allowable for at least this reason. Accordingly, claims 32-41, which depend from now allowable claims 30, 31 and 32, are also allowable for at least this reason.

In addition, claims 42, 84, 86, 87, 89, 109, 124-126 and 144-155 have been amended to correct minor informalities. Further, as set forth above, without acquiescing in the propriety of the Examiner's rejections and to facilitate the prosecution of the current application, claim 1 has been canceled. Applicant reserves every right in this canceled claim to file divisional/continuation applications.

Support for the amendments can be found in the disclosure as originally filed. Applicant asserts that no new matter is added.

Any amendments to the claims not specifically referred to herein as being included for the purpose of distinguishing the claims from cited references are included for the purpose of clarification, consistence and/or grammatical correction only.

It is now believed that the application is in condition for allowance and such allowance is respectfully requested.

The following remarks herein are considered to be responsive thereto.

Claim rejections under 35 U.S.C. §112

As set forth above, in the Office Action, the Examiner rejected claims 42-143 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. It was also indicated that claims 42-143 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Specifically, the Examiner asserted that claims 42-143 “recite the limitation ‘the chamber’ [and that] there is insufficient antecedent basis for this limitation in the claim.” Applicant respectfully traverses this rejection. Among other limitations, lines 1-8 of original claim 42 recite “a bioreactor comprising: a first substrate...[and] a second substrate...wherein the first surface of the first substrate is received by the second surface of the second substrate to cover the cavity *so as to form a chamber* for receiving cells and a liquid medium”, which provides the antecedent basis for the limitation “the chamber” recited in lines 9 and 10. (Emphasis added.) Further, among other limitations, lines 1-8 of original claim 89 recite “a bioreactor comprising: a first substrate...[and] a second substrate...wherein the first surface of the first substrate is received by the second surface of the second substrate to cover the cavity *so as to form a chamber* for receiving cells and a liquid medium”, which provides the antecedent basis for the limitation “the chamber” recited in lines 9-16. (Emphasis added.) Still further, among other limitations, lines 1-8 of original claim 109 recite “a bioreactor comprising: a first substrate...[and] a second substrate...wherein the first surface of the first substrate is received by the second surface of the second substrate to cover the cavity *so as to form a chamber* for receiving cells and a liquid medium”, which provides the antecedent basis for the limitation “the chamber” recited in lines 9-19.

For at least these reasons, Applicant respectfully requests that the rejection of claims 42-143 under 35 U.S.C. §112 be withdrawn and that these claims be allowed accordingly.

Claim rejections under 35 U.S.C. §102


As set forth above, in the Office Action, claims 1, 30 and 31 were rejected under 35 U.S.C. §102(e) as being anticipated by Cosby. Claims 1, 30 and 31 were also rejected under 35 U.S.C. §102(e) as being anticipated by Wilding. As set forth above, claim 1 has been canceled and claims 30 and 31 have been amended to be dependent from now allowable amended claim 2, which therefore makes the Examiner's rejections under 35 U.S.C. §102(e) moot.

CONCLUSION

Applicant respectfully submits that the foregoing Response places this application in condition for allowance. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an Examiner's amendment, to facilitate the prosecution, please call the undersigned at 404.495.3678. No fee is due, but the Commissioner is hereby authorized to charge any petition fee under 37 CFR 1.17(f),(g) or (h) or any deficiency of fees and credit of any overpayments to Deposit Account No. 50-3537.

Respectfully submitted,
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February 4, 2010



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